Filed: 10/12/2023

## UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS,	) ) )
Petitioner,	) ) No. 23-1247
V.	)
U.S. ENVIRONMENTAL PROTECTION AGENCY,	) ) )
Respondent.	) ) )

## NON-BINDING STATEMENT OF ISSUES

Pursuant to this Court's September 12, 2023 Order, Petitioner American Fuel & Petrochemical Manufacturers hereby submits the following non-binding statement of issues to be raised:

- 1. Whether Respondent Environmental Protection Agency ("EPA") acted arbitrarily, capriciously, or in a manner otherwise contrary to law when promulgating the Final Rule "Renewable Fuel Standard (RFS) Program: Standards for 2023-2025 and Other Changes," 88 Fed. Reg. 44,468 (July 12, 2023).
- 2. Whether EPA acted arbitrarily, capriciously, or in a manner otherwise contrary to law when deciding to promulgate a 250-million-gallon supplemental

total renewable fuel volume requirement for 2023 in response to *Americans for Clean Energy v. EPA*, 864 F.3d 691 (2017).

Petitioner AFPM reserves the right to modify the list of issues addressed, as well as to address these and other issues in more detail in future pleadings.

Respectfully submitted,

/s/ Robert J. Meyers

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Counsel for Petitioner American Fuel & Petrochemical Manufacturers

Dated: October 12, 2023

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2023, I filed the foregoing through the CM/ECF system, which will send a notice of filing to all registered CM/ECF users.

> /s/ Robert J. Meyers Robert J. Meyers

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